

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MAZZEO UNUM,

Plaintiff,

v.

No. 13-CV-1108
(MAD/CFH)

ROCKLAND COUNTY, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

MAZZEO UNUM
Plaintiff, Pro Se
171-176 Sheridan Avenue
Apartment #6
Albany, New York 12210

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

REPORT-RECOMMENDATION and ORDER

Plaintiff pro se Mazzeo Unum ("Unum") previously filed his complaint and a motion to proceed in forma pauperis (IFP). Compl. (Dkt. No.1), Dkt. No. 2. Pursuant to a Report-Recommendation and Order dated December 18, 2013, the undersigned denied Unum's IFP application as it was incomplete, directing that a complete application or filing fee be presented within thirty days or "the case w[ould] be forwarded to the District Court judge for dismissal." Dkt. No. 5 at 1-2, 8. Moreover, even though the undersigned did not have to continue and review the complaint, the undersigned did and recommended that an amended complaint be filed as Unum had failed to comply with federal pleading standards and state a claim. Id. at 2-8.

On February 13, 2014, Unum refiled his IFP motion which is presently before the Court

for review. Dkt. No. 6. No amended complaint was filed.

II. DISCUSSION

A. In Forma Pauperis Application

The Court has reviewed Unum's second IFP application. Dkt. No. 6. Notwithstanding the fact that the IFP application was filed almost thirty days too late, because Unum has cured the deficiencies in the original application and sets forth sufficient economic need, the Court finds that Unum qualifies to proceed IFP.

B. Plaintiff's Complaint

The undersigned's recommendations regarding the pleading and sufficiency of the previously filed complaint remain the same. No further activity will be taken by the undersigned pending the District Judge's review of the undersigned's previous recommendations.

III. Conclusion

WHEREFORE, it is hereby

ORDERED that plaintiff's second IFP application (Dkt. No. 6) is **GRANTED**; and it is further

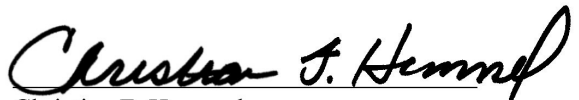
RECOMMENDED that pursuant to the Court's review under 28 U.S.C. § 1915 and § 1915A, Unum's complaint is **DISMISSED** for failure to comply with the pleading standards and state a claim; and it is further

RECOMMENDED that alternatively, in light of his pro se status, prior to dismissing Unum's complaint in its entirety, he be provided an opportunity to amend his complaint to expand upon the facts that would support his claim for entitlement to relief; and it is further

ORDERED that the Clerk serve a copy of this Report-Recommendation and Order on the parties in accordance with the Local Rules.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may lodge written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court "within fourteen (14) days after being served with a copy of the . . . recommendation." N.Y.N.D.L.R. 72.1(c) (citing 28 U.S.C. §636(b)(1)(B)-(C)). **FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993); Small v. Sec'y of HHS, 892 F.2d 15 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: February 24, 2014
Albany, New York


Christian F. Hummel
U.S. Magistrate Judge